



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,062	10/31/2001	Anthony G.J. Parsons	1662-41400 JMH (P01-3634)	6701
7590 01/31/2005 HICKMAN PALERMO TRUNOG & BECKER LLP 1600 Willow Street San Jose, CA 95125-5106			EXAMINER DIVECHA, KAMAL B	
			ART UNIT 2151	PAPER NUMBER

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,062

Applicant(s)

PARSONS ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 3,5,12,14,21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-26 are presented for examination.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter as claimed in claims 1, 4, 6, 7, 10, 13, 15, 16, 22 and 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference character

“210”. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 3, 5, 12, 14, 21 and 23 are objected to because of the following informalities:
- Regarding claim 3, 12 and 21, a misspelled “and” was encountered in line 3, 3, and 3 respectively.
 - Regarding claims 5, 14 and 23, said “the method of claim 4”, “the method of claim 13” and “the computer system of claim 22” was intended to be “the method of claim 3”, “the method of claim 12” and “the computer system of claim 21” respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3, 5, 10, 12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 1 and 10 recites the limitation "the computer systems" in line 3 and 3 respectively. There is insufficient antecedent basis for this limitation in the claim.
- Claim 3, 12 and 21 recites the limitation "a type" in line 3. It is unclear to the examiner what the phrase "type" encloses.
- Claim 5 recites the limitation "a type" in line 1. There is insufficient antecedent basis for this limitation in the detailed description.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura (U. S. Patent No. 6,446,134 B1).

As per claim 19, Nakamura explicitly discloses: A computer system, comprising: an event manager (fig. 2 item #201); and mid-level managers coupled to said event manager (read as service monitor unit, fig. 2 item #14); wherein said mid-level managers are adapted to receive error messages from disparate client monitoring agents (read as service program, fig. 5 item

Art Unit: 2151

#305), said error messages comports with a standardized format that includes a business string (read as a string including various fields regarding fault information such as fig. 3 block #35), said business string includes a plurality of fields of information indicative of the nature of an error (fig. 3 item #30 and fig. 5 item #303; col. 7 L55-67).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being obvious over Nakamura (U. S. Patent No. 6,446,134 B1) in view of Hirose et al. (U. S. Patent No. 5,237,677).

As per claim 1, Nakamura explicitly discloses A method of monitoring one or more disparate computer systems for event errors (see abstract and fig. 5) comprising; (a) receiving an

Art Unit: 2151

event alert from one of the computer systems formatted in a standard format comprising a business string which includes a plurality of fields of information indicative of the nature of an error (fig. 5 step #305 and step #303 and fig. 3) and (c) responding to the error (Nakamura, fig. 5 step #309 and col. 8 L3-6; Hirosawa, col. 9 L40-67 to col. 10 L1-4), however, Nakamura does not explicitly disclose the step of (b) determining the nature of the error by analyzing said business string.

Hirosawa et al., from the same field of endeavor, discloses the process of examining globally the fault (read as determining and analyzing) and issuing thereafter request or demand for detailed fault information upon reception of the fault occurrence report (report is in a standard format of fig. 6; col. 9 L7-20).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Hirosawa as stated above with the monitoring system of Nakamura in order to analyze the nature or type of error caused.

One of ordinary skilled in the art would have been motivated because doing so would have provided a mechanism which would have been capable of collecting instantly the process of behavior of the computer system of concern (Hirosawa, col. 2 L66-68 to col. 3 L1-5). It would have also improved the reliability, enhanced fault tolerancy and rapid restoration of the system after occurrence of a fault and others by realizing the detection of a fault occurring in the users computer system and providing rapid recovery of the system (Hirosawa, col. 1 L15-24).

As per claim 10, Nakamura in view of Hirosawa discloses all the limitations as set forth in claim 1 and Nakamura further discloses the step of (b) formatting said event alert in a standard format comprising a business string which includes a plurality of fields of information indicative

Art Unit: 2151

of the nature of an error (fig. 5 step #303 and fig. 3). Therefore, claim 10 is rejected for the same reasons as set forth in claim 1 above.

10. Claims 2-9, 11-18 and 20-26 are rejected under 35 U.S.C. 103(a) as being obvious over Nakamura (U. S. Patent No. 6,446,134 B1) in view of Hirosawa et al. (U. S. Patent No. 5,237,677), and further in view of Burgess et al. (U. S. Patent No. 5,696,701).

As per claim 2, Nakamura in view of Hirosawa explicitly discloses the method as in claim 1 wherein the plurality of fields in the business string includes a customer identifier (read as site identifier, Hirosawa, fig. 6 block #162) and a product code (Hirosawa, fig. 6 block #16c). However, Nakamura in view of Hirosawa, does not explicitly disclose the business string including a product type.

Burgess et al., from the same field of endeavor, explicitly disclose the method or the process of comparing obtained configuration information with prior configuration information wherein the obtained configuration information and prior configuration information (read as business string) includes the product type (col. 5 L39-58).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with the monitoring system and method of Nakamura in view of Hirosawa in order to include and use the parameter such as product type in the business string that provides the fault information.

One of ordinary skilled in the art would have been motivated because doing so would have performed the process of error analysis and troubleshooting more efficiently by measuring, analyzing and taking action based on the performance of the component based on its type.

As per claim 3, Nakamura, Hirosawa and Burgess discloses the method as in claim 1 wherein the plurality of fields in the business string includes a customer identifier (Hirosawa, fig. 6 item #162), a business designation (read as registered organization, Burgess, col. 5 L52-58), a product code (Hirosawa, fig. 6 item #16c), a product type (Burgess, col. 5 L52-58), a type (read as a processor type since there is no support provided for the limitation in the description, Burgess, col. 5 L58-65), however, Nakamura, Hirosawa and Burgess does not explicitly disclose the string including plurality of fields containing a managed object type, an agent and a manager identifier. But, Burgess teaches the process of monitoring different performance counters such as monitoring the percentage of free space remaining on each logical disk and generating an alert if the free space is less than certain percentage (col. 7 L4-12) and Hirosawa discloses the format that contains fault information including a field for site identifier (fig. 6 item #162). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Burgess and use the managed object type coding that describes the faults, errors or performance counters. It would also have been obvious to a person of ordinary skilled in the art to modify Hirosawa and include a field for an agent and a manager identifier. One of ordinary skilled in the art would have been motivated because doing so would have identified the fault or error collecting agent and a manager because of plurality of agents and managers.

As per claim 4, Nakamura in view of Hirosawa, and in further view of Burgess, discloses the method as in claim 3, wherein said product code is indicative of a product selected from the group consisting an operating system and a hardware component (Hirosawa, fig. 6 item #16c), however, Nakamura, Hirosawa and Burgess does not disclose the group consisting a network device, an application and a security feature. But, it would have been obvious to a person of

Art Unit: 2151

ordinary skilled in the art at the time the invention was made to modify Hirosawa to extend the list of product codes consisting of an operating system, a hardware component, a network device, an application and a security feature. One of ordinary skilled in the art would have been motivated because doing so would have also provided the fault detection and analysis of the network device, an application and a security feature.

As per claim 5, Nakamura, Hirosawa and Burgess do not explicitly disclose the method as in claim 3 wherein said product type is indicative of a type corresponding to the product code, but generally product codes are designed to indicate the product types. Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to disclose the limitation that teaches product type is indicative of a type corresponding to the product code. One of ordinary skilled in the art would have been motivated because using product codes indicating product types would have provided an indication of the type of the component involved in the occurred event errors.

As per claim 6, neither Nakamura, Hirosawa nor Burgess disclose groups consisting production, solutions testing, development, and a disaster recover, but most of the business organization are divided into branches such as development, solution testing, production, and disaster recover branch. These divisions are the major branches of a business organization and are well known in the art. Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include divisions such as development, solution testing, production, and disaster recover. One of ordinary skilled in the art would have been motivated because this would have determined the source of the occurred error based upon the business type.

As per claim 7, Nakamura in view of Hirosawa discloses the method as in claim 3 further including receiving a plurality of event alerts and storing said event alerts in a central database (Hirosawa, col. 7 L57-66 and fig. 1 item #256), however, Nakamura in view of Hirosawa does not explicitly disclose the process of sorting said event alerts according to any one or more fields in the business string. Burgess teaches the process of filtering (read as sorting) events based upon the event log in which they appear, the source of the event, and/or the event identification number (read source of the event as one of the field in the business string, col. 6 L30-39). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with the monitoring system of Nakamura and Hirosawa for the purpose of sorting the event alerts based on the one of the fields in the business string. One of ordinary skilled in the art would have been motivated because doing so would have provided a managed system for occurred event alerts by sorting or filtering the events in a particular order.

As per claim 8, Nakamura in view of Hirosawa does not explicitly disclose the method wherein event alert also includes an error event identifier and a severity level. Burgess, from the same field of endeavor, explicitly discloses the method where each event is associated with an event identification number (col. 6 L26-31) and a severity level (col. 6 L50-67 to col. 7 L1-3). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with the monitoring system of Nakamura and Hirosawa for the purpose of including event identifier and a severity level. One of ordinary skilled in the art would have been motivated because doing so would have identified particular events because of the multiple events monitored by the system (Burgess, col.

6 L26-39) and would have also provided a priority of fixing the error or taking an action corresponding to the error by identifying error as harmless, medium severity or critical and notifying the administrator.

As per claim 9, Nakamura in view of Hirosawa discloses the method as in claim 1, wherein said event alert also includes a date and time (Hirosawa, fig. 6 item #16b), a server identifier (Hirosawa, fig. 6 item #162) and an error message (Hirosawa, fig. 6 item #16e and 16d), however, Nakamura in view of Hirosawa do not explicitly disclose the event alert including an error event identifier and a severity level. Burgess, from the same field of endeavor, explicitly discloses the method where each event is associated with an event identification number (col. 6 L26-31) and a severity level (col. 6 L50-67 to col. 7 L1-3). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with the monitoring system of Nakamura and Hirosawa for the same reasons and motivation set forth in claim 8 above.

As per claims 11-18 and 20-26, they do not teach or further define over the limitations in claims 2-9. Therefore, claims 11-18 and 20-26 are rejected for the same reasons as set forth in claims 2-9.

Additional References

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Gardiner et al., U. S. Patent No. 5,740,357.

- b. Ritche, U. S. Pub. No. 2002/0194319 A1.
- c. Komori et al., U. S. Patent No. 5,928,328.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER